

EXHIBIT 8

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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ANGEL FRALEY; PAUL WANG, et)
al.,)
Plaintiffs,)
vs.) No. CV-11-01726LHK
FACEBOOK, INC., a)
corporation; and Does 1-100,)
Defendants.)

_____)

VIDEOTAPED DEPOSITION OF SUSAN MAINZER
TUESDAY, DECEMBER 20, 2011

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1 (Deponent sworn.) 9:44:18AM

2 EXAMINATION

3 BY MR. BROWN:

4 Q Please state and spell your name for the
5 record. 9:44:31AM

6 A My name is Susan Mainzer. That's
7 S-U-S-A-N M-A-I-N-Z, as in zebra, E-R.

8 Q And is that your current legal name?

9 A That is my current legal name.

10 Q And I see in some documents and the like 9:44:47AM
11 references to Susan von Seggern.

12 So I take it that, then, is not your legal
13 name or is that --

14 A That's my married name.

15 Q But your legal name is still Susan 9:45:00AM
16 Mainzer?

17 A Yes.

18 Q When did you get married?

19 A July 19th, 2008.

20 Q And what name did you use to register for 9:45:17AM
21 Facebook?

22 A Susan Mainzer.

23 Q Okay.

24 And then did you change the name on your
25 Facebook account to Susan von Seggern at some point? 9:45:29AM

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1 Q So do you have an understanding of how 11:16:36AM
2 many of your "Like" -- how many of your "Likes" on
3 Facebook have actually resulted in a sponsored
4 story?

5 A Through discussions with my attorneys, I 11:16:50AM
6 believe four.

7 MR. ARNS: Let me just interpose
8 attorney/client privilege to that last answer.

9 BY MR. BROWN:

10 Q And do you know -- 11:17:15AM
11 Do you have an understanding of what
12 particular "Like" statements resulted in the
13 sponsored stories? Do you know what the four were?

14 A I know that one of them was UNICEF. I
15 don't know what the other three were, which is very 11:17:30AM
16 upsetting to me.

17 Q Are you aware of any concrete harm that's
18 resulted from your appearance in the sponsored
19 stories?

20 MR. ARNS: Object; vague as to what is 11:17:49AM
21 meant by "concrete harm." You might explain what
22 your worries are.

23 THE WITNESS: Okay. Yeah, I'm -- I'm
24 concerned that people will see my name and likeness
25 associated with something they don't like, and 11:18:07AM

1 Q Are you aware of whether it was before 11:39:57AM

2 January 1st, 2011 or after?

3 A I'm not.

4 Q And what is your understanding of what

5 information about you appears in a sponsored story, 11:40:07AM

6 to the extent that there is a sponsored story

7 that -- about you?

8 A From -- from the one I've seen, it's my

9 photograph and my name and that I like -- in the

10 case I've seen -- UNICEF, and that -- and then the 11:40:25AM

11 sponsored stories I've seen on Facebook, because I

12 am a Facebook junkie, you know, it's the name and

13 the -- and the -- and the picture, and then

14 sometimes it will be more than one person's name or

15 picture, so it will be like other people that that 11:40:44AM

16 person whose page it appears on knows, and -- and

17 most prominently the logo of the advertiser.

18 Q And have you seen any of your friends'

19 actions on Facebook appear as sponsored stories?

20 A I have. 11:41:12AM

21 Q When did you first see a sponsored story

22 with one of your Facebook friends?

23 A I think in the last year.

24 Q And approximately how many of those

25 sponsored stories have you seen? 11:41:25AM

1 just -- I just -- I don't really like them. I just 11:46:38AM
2 don't -- there is something about them as a company
3 that just rubs me the wrong way, the very -- you
4 know, labor practices, the stuff is very expensive.

5 I -- I -- you know, I feel like mar- -- 11:46:51AM
6 yoga shouldn't be so marketed. It's a -- it's a
7 spiritual discipline, you know what I mean? It
8 shouldn't be like a branding play.

9 Q So let me ask this: Are you able to
10 identify any way in which the story that would 11:47:14AM
11 appear in your friends' news feed would differ from
12 the way that the story would appear as a sponsored
13 story after you've hit the "Like" button for
14 something?

15 A Yeah. If -- after you hit the "Like" 11:47:30AM
16 button, the -- that item goes into your news feed
17 and then it goes down until it's off the page
18 because a new -- a new item -- new items come up to,
19 you know, be more recent.

20 A sponsored story is over here in the ads 11:47:49AM
21 section of the page and --

22 Q In the right-hand column of the page?

23 A In the right-hand column of the page where
24 it says "Sponsored, Create an Ad."

25 And also I believe those stories -- the 11:48:14AM

1 sponsored stories come up at -- they don't just come 11:48:15AM
2 up when it happens, they come up at any time. I
3 mean, if I -- I think I "Liked" UNICEF when I was
4 first, first, first on Facebook, which was many
5 years ago, and the sponsored story with me liking 11:48:23AM
6 UNICEF was earlier this year. So --

7 Q So --

8 A -- maybe I stopped liking UNICEF in that
9 time and just didn't "unLike" them.

10 Q So -- well, first of all, have you stopped 11:48:37AM
11 liking UNICEF?

12 A No, I like UNICEF still.

13 Q Okay.

14 A But I don't know what other three ads I've
15 appeared in, so perhaps I don't like them anymore. 11:48:48AM
16 Who knows.

17 Q Aside from the timing of the appearance of
18 the sponsored story or the location on the page of a
19 sponsored story, are you aware of any differences in
20 the content of the story? That's really what I was 11:49:08AM
21 getting at.

22 A Yeah, the sponsored story has other
23 people, has the logo, most prominently the logo of
24 the -- Facebook's client, the advertiser.

25 You know, when it's in my news feed, it 11:49:25AM

1 THE WITNESS: Yeah, super glamorous 12:09:45PM

2 Los Angeles Hollywood life.

3 BY MR. BROWN:

4 Q So just to linger for another minute on

5 documents, so do you recall actually sending 12:10:03PM

6 documents or electronic information to your lawyers?

7 And again, I don't want to know about any

8 communications or the substance of the

9 communications.

10 A Yes, I -- I did. I especially remember 12:10:14PM

11 filling out those spreadsheets and sending them

12 back.

13 Q Okay.

14 And have you taken any steps to make sure

15 that documents that would pertain to the case 12:10:26PM

16 haven't gotten deleted or anything like that?

17 A Yeah. I -- yeah, I think so.

18 Q Do you recall when you first registered

19 for Facebook?

20 A Yeah. I think it was the late -- late 12:10:47PM

21 spring or early summer of 2007.

22 Q And do you just have one Facebook account?

23 A I do.

24 Q I'm sorry. Again, I just want to make

25 sure I understand, because we talked about this 12:11:15PM

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1 really early in the deposition. 12:11:16PM

2 So your legal name is still Susan Mainzer,
3 right?

4 A It is.

5 Q But since you have been married, you have 12:11:21PM
6 been going by Susan von Seggern?

7 A I have.

8 Q Have you used any other names on Facebook
9 other than those two?

10 A No. 12:11:30PM

11 Q So of the nearly 1400 Facebook friends
12 that you have, how many of those friends knew you
13 from before when you were married, when you started
14 using Susan von Seggern?

15 A Oh, gosh. I don't -- I real- -- I don't 12:11:58PM
16 even know. I mean -- well, let's see. If I -- if
17 I -- if I got married like a little over a year
18 after I started on Facebook -- you know, you guys
19 could figure that out much easier than I could

20 figure that out, because you could see like how many 12:12:15PM
21 people I was friends with before like July of 2008,
22 and then also you got to figure plenty of the people
23 that I've become friends with since July of 2008 are
24 people who knew me when I was Susan -- it's real- --

25 I can't figure that out for you guys. I'm sorry. 12:12:29PM

1 Q Beyond those two that you personally work 12:42:33PM
2 with, you have got other nonprofit or charitable
3 organizations who you've "Liked" on Facebook,
4 correct?

5 A Yes, but those are the only two that I 12:42:44PM
6 really want people to give money to. I'm happy if
7 people give money to UNICEF, like, "God, give money
8 to UNICEF," but I want people to give money to
9 NextAid and Wells Bring Hope.

10 Q So when you "Liked" UNICEF in order to 12:43:07PM
11 sort of promote their campaign at that time, I take
12 it that you were fine if people wanted to donate
13 money to UNICEF in order to support that campaign,
14 correct?

15 A I don't think I really thought about it. 12:43:29PM
16 I just thought about it as me going, "Yeah, sure,
17 UNICEF, right on."

18 Q And in that campaign that they were
19 undertaking at the time to reduce childhood deaths.

20 A I -- I don't -- I don't 100 percent 12:43:43PM
21 recall, but I somewhat slightly recall that I think
22 if you "Liked" them, they actually got a dollar from
23 some matching donor. And that was what really
24 prompted me to take that action.

25 MR. BROWN: Okay. I think this is a good 12:44:01PM

1 And because I "Like" a story in the New 1:56:11PM
2 York Times doesn't mean I want to promote the New
3 York Times; it just means I'm promoting that story
4 in the New York Times.

5 And if I'm promoting anything, because 1:56:27PM
6 I -- promoting things is what I do for a living, I
7 should get paid, and I'm not getting paid to promote
8 the New York Times.

9 Q And is it your understanding that if you
10 were to "Like" that article in the New York Times 1:56:41PM
11 that mentioned Tia's Bakery, that the resulting
12 sponsored story, if there was one, would say, "Susan
13 von Seggern likes the New York Times," or would it
14 say, "Susan von Seggern likes this article," or
15 would it say something different? 1:57:03PM

16 A I mean, in the sponsored stories that I've
17 seen on the ad section of my page, they just say,
18 "Susan Von Seggern likes" -- or "Joe Schmoie likes
19 X." They don't break it down further that I've
20 seen. 1:57:17PM

21 Q Okay.

22 But -- so just --

23 I'm just going to ask you to assume
24 something for the sake of my next question. So
25 assume that the sponsored story that came after you 1:57:26PM

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1 had "Liked" the New York Times article said, "Susan 1:57:29PM
2 von Seggern likes this article," in contrast to it
3 saying, "Susan von Seggern likes the New York
4 Times," more generally.

5 Would you agree that by virtue of having 1:57:42PM
6 that story show up in the right-hand side of the
7 screen, that you're simply getting more visibility
8 for your "Like" of the article than you would simply
9 having it in your wall?

10 A It would be giving more visibility to that 1:58:06PM
11 story, but that's a terrible hypothetical because it
12 wouldn't happen like that unless change -- you --
13 unless Facebook changes the way they do -- do that.
14 That's not -- it's -- it's not a good hypothetical.

15 But, yes, if -- if Facebook changed the 1:58:23PM
16 way they -- they handle the sponsored stories to be
17 more specific, it would put more attention to that
18 story.

19 Q Would you ever --

20 Would you ever "Like" a page on Facebook? 1:58:39PM
21 Not like a story on another website that has a
22 "Like" button, but -- actually, let me just withdraw
23 that. It was going to end up being a very, very
24 long question.

25 Would you ever "Like" a page on Facebook 1:58:55PM

1 STATE OF CALIFORNIA)
) :ss
2 COUNTY OF SAN FRANCISCO)
3

4 I, KELLI COMBS, CSR NO. 7705, a Certified Shorthand
5 Reporter of the State of California, do hereby certify:

6 That the foregoing proceedings were taken before me
7 at the time and place herein set forth; that any
8 witnesses in the foregoing proceedings, prior to
9 testifying, were placed under oath; that the verbatim
10 record of the proceedings was made by me using machine
11 shorthand which was thereafter transcribed under my
12 direction; further, that the foregoing is an accurate
13 transcription thereof.

14 I further certify that I am neither financially
15 interested in the action nor a relative or employee of
16 any attorney of any of the parties.

17 IN WITNESS WHEREOF, I have this date subscribed my
18 name.
19

20 Dated:January 9, 2012
21
22

23 _____
24 KELLI COMBS, CSR NO. 7705
25